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C O N F I D E N T I A L SECTION 01 OF 03 KYIV 003048

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E.O. 12958: DECL: 12/12/2017
TAGS: PGOV PREL UP
SUBJECT: UKRAINE: PM GRIDLOCK ILLUSTRATES DYSFUNCTION OF
RADA, PRESIDENT

Classified By: Ambassador for reasons 1.4(b,d).

¶1. (C) Summary. Disorganization and infighting within the
orange coalition, particularly within the President's Our
Ukraine-People's Self-Defense party, and continued
intransigence by the Party of Regions have stymied the
confirmation of Yuliya Tymoshenko as Prime Minister. The
December 11 vote on Tymoshenko failed twice, apparently for
technical reasons, when the Rada's computer system did not
accurately count the votes cast and as a result of a Regions'
deputy pulling the Speaker's voting card during the vote.
Since then, Regions MPs have blocked the Rada rostrum and
Speaker's dais, while faction leaders, Speaker Yatsenyuk, and
President Yushchenko in various formats remain locked in
negotiations over Rada rules on revotes, whether to hold the
PM vote before or after votes on Rada leadership, and the
composition of the new government. Although deputies were in
the parliament all day on December 12, the Rada never
convened, finally announcing that the next session would be
postponed until 10 am on December 13. Regions' deputy
faction leader Bohatyreva told the press that she doubted a
PM vote would be held when the Rada resumes work that day.
¶2. (C) Comment. The Ukrainian government has once again been
sucked into a paralysis that makes it look incompetent and
shows all political forces as unwilling to be constructive.
Regions may be hoping that its intransigence will once again
split the orange coalition, as it did in 2006 when its
month-long blockade of the Rada contributed to the collapse
of the majority agreement between BYuT, OU, and the
Socialists. Regions has masterfully capitalized on the
coalition's, and especially the President's, need to make
Regions feel included, rendering the majority somewhat
useless, since it seeks consensus rather than exercising its
right to hold and win votes. All parties still seem to
believe that in the end Tymoshenko will be confirmed, but the
longer the process drags on the more exposed cracks in the
coalition become. End summary and comment.

Disagreements over Presidential Nominations

¶3. (C) The Tymoshenko confirmation vote was originally
scheduled for 10 am on December 11, but was postponed until
the afternoon because Tymoshenko insisted on holding the
Cabinet vote right after her own vote, and Yushchenko and
OU-PSD were still debating several nominees on their quota.
OU-PSD MP, and Okean Elzy rock star, Vakarchuk told us that
Tymoshenko did not want to open up the possibility of
chairing a government whose ministers were all Yanukovych
appointees, even for a short while. Several BYuT MPs,
however, told us that Tymoshenko thought the CabMin vote
would be an additional validation of her own success in
capturing the premiership and she wanted them to happen
together.

¶4. (C) Despite Tymoshenko's desire for speed, Yushchenko took the morning of December 11 to discuss ministerial appointments with his faction leaders. In particular, coalition MPs told us that the dispute was over the agreed candidate to be Justice Minister. An Ukrainska Pravda article citing a document from Tymoshenko reported that OU-PSD MP Mykola Onishchuk was slotted to become Justice Minister, but MPs said close presidential ally Roman Zvarych also wants the job. On December 12, MPs told us that there was now an additional OU-PSD dispute with the President over the Education and Agriculture Ministers, the latter is now reportedly part of the OU-PSD quota. In addition, OU-PSD MPs we spoke with were all in shock over Yushchenko's nomination of former Prime Minister Yekhanurov as the Defense Minister, replacing widely-respected Minister Hrystsenko, who is now rumored to be in the running for NSDC Secretary.

¶5. (C) On December 12, coalition MPs told us that they were now exploring voting on ministers one-by-one to get approval for at least the BYuT nominees, and possibly some from OU-PSD. They were not sure, however, whether this would be the final result when negotiations were finished. (Embassy note. The Rada rules permit either a package vote on the whole government slate of candidates or individual votes on each ministerial position. In August 2006, the Rada approved the entire cabinet in a package vote. End note.) By mid-afternoon on December 12, word went out that negotiations were continuing, and that the Rada would not convene again until 10 am on December 13, although BYuT MP Vinskiy suggested to the press that the Rada will first work in consultation mode rather than in plenary session.

Regions Enjoying the Chaos

¶6. (C) Regions MPs like Leonid Kozhara and Volodymyr

Makeyenko confided to us that they believed Tymoshenko had the necessary votes to be confirmed. However, the Regions faction refused to register in the Rada on December 11 and did not participate in the debate of her candidacy or the vote. When Yatsenyuk called for the vote and only 225 MPs were shown to have voted for her, Regions and the Communists cheered loudly. OU-PSD MPs immediately began shouting that MP Oleksandr Omelchenko had pressed the yes button but his vote had not registered in the Rada's electronic voting system. BYuT MP Denkovych also said that his vote had not been registered. (Note. Rada MPs are issued electronic voting cards that they insert into computers on their desks, which allows them to vote. Votes last about 10 seconds, in which time MPs must press a button -- yes, no, or abstain -- and the results are immediately displayed on a large screen in the chamber. End note.) As part of an investigation into this incident, the SBU announced that there was nothing wrong with the computers and Rada deputies must hold their buttons down for at least two seconds in order to register a vote -- and Omelchenko did not do that.

¶7. (C) Yatsenyuk then called for a do-over, citing technical difficulties, prompting about 30 Regions MPs to storm the rostrum and dais objecting to repeat voting. Regions MP Lukyanov stood directly behind Yatsenyuk, and just as Yatsenyuk called for the repeat vote, stole the Speaker's voting card, rendering him unable to support Tymoshenko and leading to another 225-vote result, an event caught on tape and rebroadcast countless times on national television. Another BYuT MP also reported that his voting card was not working. (Note. Later, Tarasyuk reminded us that Lukyanov was also one of the Regions MPs who physically blocked Tarasyuk, then the Foreign Minister, from entering the CabMin meeting in December 2006. Lukyanov, an active member of the Rada's U.S. caucus in the last parliament, was the head of Yanukovych's Donetsk campaign headquarters during the 2004 presidential election, and then fled to Japan after the Orange Revolution, fearing reprisals after the falsified vote. End note.)

¶8. (C) With Yatsenyuk and Yushchenko abandoning the chamber to figure out what to do next, Regions took control of the Rada chamber, barricading the doors leading from the Speaker's rooms to the floor, and sending MPs to the balconies where the CabMin, VIPs, diplomats, and journalists sit, as well as sending one MP to watch over the computers that govern the electronic voting system. They continued the barricade on December 12, milling around the floor and Speaker's dais.

¶9. (C) Regions MP Miroshnychenko told us on December 12 that his faction was very pleased with how things were progressing, meaning the lack of progress. BYuT MP Nemyria told us that Regions was using the impasse to push in negotiations for changes in committee composition, including trying to split some committees in two, and for the Rada to go back to holding the vote on deputy speakers before the PM vote or at least before the Cabinet vote. Nemyria also said that Regions was hoping the delays would exacerbate the internal struggle within OU-PSD and the Presidential Secretariat over Cabinet nominees, further weakening the

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whole coalition.

Next Steps Still Unclear

¶10. (C) The MPs whose votes were not counted submitted letters to the Speaker asking for acknowledgment of their "yes" votes, but to cover their bases, the coalition also resubmitted their nomination of Tymoshenko to Yushchenko, who in turn submitted the nomination back to the Rada. The Rada registered the re-nomination the afternoon of December 12, so technically-speaking a vote could be scheduled at any time. BYuT is now insisting that they want a manual vote on Tymoshenko, with MPs simply raising their hands to be counted, while Regions insists there were never any problems with the computers, arguing that Yushchenko and OU-PSD are trying to cover up their sabotage of the Tymoshenko confirmation by blaming the 225 result on technology.

¶11. (C) Yatsenyuk's inexperience may also be adding to the problem. He said nothing when Lukyanov took his voting card and did not stop the vote, but rather exited the chamber rapidly. Yatsenyuk also appears irritated and flustered when Regions razzes him, finding it hard to control the unruly Rada. In addition, although Yatsenyuk attended meetings late on December 11 and early on December 12 with Yushchenko and faction leaders to negotiate a solution, his press office told journalists that he did not attend the afternoon meeting of the Rada Coordination Council and will not attend future

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meetings until Regions unblocks the Rada.

¶12. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
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